IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1453/06

Rajendra Chandrakant Joshi & Anr. .... Applicants

V/s.

The State of Maharashtra .... Respondent

Shri.Shyamkumar V. Marwadi Adv. for the applicant.
Miss.S.V. Gajre APP for the State.

CORAM : V.M. KANADE, J.

DATED : 17/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for an anticipatory bail. The applicants have an apprehension that they are likely to be arrested in connection with C.R.No.I 26/2006 registered with Boisar Police Station for the offences punishable U/s.307, 353, 332, 333, 143, 147, 148, 149 of IPC.

3. It is alleged that accident took place in which a young boy died and as a result of which

villagers of Saravali village gathered there and demanded custody of driver of vehicle who was involved in the accident and when police refused to hand over driver to the mob, they attacked police personnel. Four to five police officers received grievous injuries. It is submitted that no role has been attributed to the applicants. They were present near the hotel situated on the same road. It is submitted that they do not figure in the F.I.R. It is further submitted that offence U/s.307 is not made out. From the medical papers, it appears that injury is not serious.

4. Learned APP for the State on the other hand submitted that statements of the witnesses indicate that applicants were present at the scene of offence. Considering material on record, in my view, this is not a fit case for grant of anticipatory bail. The application for anticipatory bail is rejected.

5. The applicants may surrender to the Court and if application is made for bail, said application may be decided expeditiously within a period of one week. It is clarified that refusal of grant of anticipatory

bail shall not be construed to mean that this court has made any expression of opinion on merits of the case. It is well settled that parameters for the grant of anticipatory bail and regular bail are different. Concerned Court shall consider application for bail on merits and in accordance with law.

6. The application is accordingly disposed of.

V.M. KANADE J.